

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

THOMAS B. WILNER, et al.,)
Plaintiffs,)
v.) Civil Action No. 07-CIV-3883 (DLC)
NATIONAL SECURITY AGENCY and)
DEPARTMENT OF JUSTICE,)
Defendants.)

NOTICE OF APPEAL

Notice is hereby given that Thomas B. Wilner, Jonathan Hafetz, Gitanjali Gutierrez, Michael J. Sternhell, Jonathan Wells Dixon, Joshua Colangelo-Bryan, Tina M. Foster, Brian J. Neff, Alison Slater, Marc D. Falkoff, Joseph Margulies, Scott S. Barker, Anne J. Castle, James E. Dorsey, Asmah Tareen, Richard A. Grigg, Thomas R. Johnson, George Brent Mickum IV, Stephen M. Truitt, David H. Remes, H. Candace Gorman, Charles Carpenter, John A. Chandler, and Clive Stafford Smith, plaintiffs in the above-captioned case, hereby appeal to the United States Court of Appeals for the Second Circuit from the opinion and order dated June 25, 2008, and entered on June 25, 2008, granting defendants' motion for partial summary judgment on the claims relating to plaintiffs' FOIA Request No. 1. By Order dated and entered on July 31, 2008, the Court directed that a Rule 54(b) Partial Judgment be entered in defendants' favor on the claims associated with FOIA request No. 1. That judgment was entered on August 1, 2008. Plaintiffs appeal from that judgment.

Respectfully submitted,

/s/ Mark A. Schwartz

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Dated: September 17, 2008
New York, New York

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CERTIFICATE OF SERVICE

I hereby certify that on September 17, 2008, a copy of the foregoing **Notice of Appeal** was filed electronically and thereby served to the parties by e-mail through the operation of the Court's electronic filing system. Parties may access this filing through the Court's CM/ECF System.

I also certify that a copy of these materials was served by Federal Express Delivery on:

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